



Order Filed on August 1, 2023  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-1(b) UNITED STATES DEPARTMENT OF JUSTICE OFFICE OF THE UNITED STATES TRUSTEE ANDREW R. VARA UNITED STATES TRUSTEE, REGIONS 3 and 9 Margaret McGee, Esq. One Newark Center, Suite 2100 Newark, NJ 07102 Telephone: (973) 645-3014 Facsimile: (973) 645-5993 Email: Maggie.McGee@usdoj.gov	
In Re:	
Raphael S. Gardee,	
Debtor.	
In Re:	
Andrew R. Vara United States Trustee, Regions 3 and 9	
	Plaintiff,
v.	
Raphael S. Gardee,	
	Defendant.

Case No.: 20-13167 (KCF)

Chapter: 7

Adv. No.: 21-01209 (KCF)

Hearing Date: June 27, 2023, at 11:00 a.m.

Judge: The Honorable Kathryn C. Ferguson

### ORDER FOR SUMMARY JUDGMENT

The relief set forth on the following page, numbered two (2) is hereby **ORDERED**.

**DATED: August 1, 2023**

  
\_\_\_\_\_  
Honorable Kathryn C. Ferguson  
United States Bankruptcy Judge

(Page 2)

Defendant: Raphael S. Gardee

Chapter 7 Case No. 20-13167 (KCF)

Adv. Pro. No. 18-01565 (KCF)

**Order for Summary Judgment**

---

THIS MATTER having been presented to the Court upon the motion (“Motion”) of Plaintiff, Andrew R. Vara, for summary judgment in accordance with [Federal Rule of Civil Procedure 56](#), made applicable in this proceeding by [Fed. R. Bankr. P. 7056](#), as to the Complaint in the above-captioned adversary proceeding against the Defendant, Raphael S. Gardee; and the Court having considered the papers submitted in support of and in opposition to the Motion, if any; and the Court having further considered the oral argument at a hearing scheduled for June 27, 2023 (“Hearing”); and the Court having set forth its findings of fact and conclusions of law regarding the Motion at the Hearing, all of which are incorporated into this Judgment in their entirety, and good cause having been shown for the relief set forth in this Judgment, it is hereby;

**ORDERED, ADJUDGED AND DECREED:**

1. Judgment is entered in favor of the Plaintiff, Andrew R. Vara, and against Defendant, Raphael S. Gardee.
2. Defendant Raphael S. Gardee’s discharge is hereby denied pursuant to [11 U.S.C. § 727](#).
3. The Clerk of the Court is directed to enter an Order Denying Discharge in Defendant’s main case.

In re:  
Raphael S Gardee  
Debtor

Case No. 20-13167-KCF  
Chapter 7

## CERTIFICATE OF NOTICE

District/off: 0312-3  
Date Rcvd: Aug 08, 2023

User: admin  
Form ID: pdf903

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
--------	------------

+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
---	--

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 10, 2023:

Recip ID	Recipient Name and Address
db	+ Raphael S Gardee, 161 Pleasant Valley Rd, Titusville, NJ 08560-2104

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 10, 2023

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 8, 2023 at the address(es) listed below:

Name	Email Address
Amar Anand Agrawal	on behalf of Creditor Fulton Bank NA aagrawal@egalawfirm.com, alapinski@egalawfirm.com,jwingfield@egalawfirm.com
Andrea Dobin	on behalf of Interested Party McManimon Scotland & Baumann LLC adobin@msbnj.com, cgallo@msbnj.com
Andrea Dobin	on behalf of Trustee Thomas Orr adobin@msbnj.com cgallo@msbnj.com
Andrew Sklar	on behalf of Creditor Rainforest Distribution andy@sklarlaw.com kathleen@sklarlaw.com
Candcyce Ilene Smith-Sklar	on behalf of Debtor Raphael S Gardee njpalaw@gmail.com r56958@notify.bestcase.com
Christian Del Toro	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION cdeltoro@cdeltorolaw.com, bky@martonelaw.com

District/off: 0312-3

User: admin

Page 2 of 2

Date Rcvd: Aug 08, 2023

Form ID: pdf903

Total Noticed: 1

Denise E. Carlon

on behalf of Creditor PNC Mortgage a Division of PNC Bank, National Association dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com

Frank J Martone

on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bky@martonelaw.com

Margaret Mcgee

on behalf of Plaintiff Andrew R. Vara maggie.mcgee@usdoj.gov

Margaret Mcgee

on behalf of U.S. Trustee U.S. Trustee maggie.mcgee@usdoj.gov

Rebecca K. McDowell

on behalf of Creditor Eastern Funding LLC rmcowell@slgcollect.com anovoa@slgcollect.com

Thomas Orr

on behalf of Trustee Thomas Orr tom@torrlaw.com Torr@ecf.axosfs.com

Thomas Orr

tom@torrlaw.com Torr@ecf.axosfs.com

Thomas J Orr

on behalf of Trustee Thomas Orr tom@torrlaw.com xerna@aol.com;orrr87054@notify.bestcase.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

William B. Sanderson, Jr.

on behalf of Interested Party Genya Daukshta wsanderson@williamsandersonlaw.com  
kbrand@spearwildermand.com;r59081@notify.bestcase.com;b.wr78636@notify.bestcase.com

TOTAL: 16